

**The 35 U.S.C. §103(a) Rejection**

At page 2 of the Office Action, claims 1-3, 19, 23 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Admitted Prior Art, as disclosed on pages 1 and 2 of the specification and FIG. 1 of the drawings, in view of U.S. Patent 5,959,946 to Tognazzini. This rejection is respectfully traversed.

Regarding claims 1, 3 and 19, the Examiner admits that the Admitted Prior Art does not disclose [a disc] having [an] ID information in a predetermined area indicating the type that the disc is. The Examiner refers specifically to a portion of col. 6, lines 33-38 of Tognazzini as teaching a type of hybrid disc wherein there is an area where information indicating the type of disc to be played is contained in a special area. The portion cited by the Examiner reads as follows:

"For example, the control information can indicate that the disk is a CD and the inputs stored in the read/write portion thereof indicate a playback program or that the disk is a CD-ROM game and the information stored in the read/write part thereof is indicative of the ending game position."

The term *control information* as used at col. 6, line 34, and as used in the previous sentence at col. 6, line 31, does not refer to information included on the disk as asserted by the Examiner, but as disclosed at col. 6, lines 21-22, refers to information to be kept on RAM 410B of an apparatus shown in FIG. 4. Although Tognazzini discloses at col. 5, line 60-62, that the apparatus of FIG. 4 reads the disk to determine if the disk is a hybrid disk, there is no indication that the disk comprises "a first recording surface having identification information expressing a disc type, recorded in a predetermined recording area, said first recording surface being formed at a first interval below said label printed surface," as claimed in claim 1, that the disc is a hybrid disc "wherein said predetermined recording area is a file which is generally not used, a sector which is predetermined, or a TOC (table of contents)" as claimed in claim 3 or that the disc comprises "a first recording surface formed at a first level in said substrate, said first recording surface including a first format type of reproduction data and a predetermined recording area having identification information indicating that the hybrid disc is a hybrid disc type" as claimed in claim 19.

Claim 2 is deemed to be patentable at least for similar reasons set forth above regarding claim 1.

Claims 23 and 24 are deemed to be patentable at least for similar reasons set forth above regarding claim 19.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 1/22/02

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

Please AMEND the following claims:

24. (NEW) The disc as claimed in claim 19, wherein one of said first and second recording surfaces is a DVD (digital versatile disc) recording surface.

[a user interface having a display and enabling a user to input a command;]

[a controller reading, upon installation of the disc in the disc playback apparatus, using said optical pickup, said data of the first recording density from the disc, reading a predetermined area where the data of the first recording density is recorded if the data of the first recording density is readable, displaying on the display of the user interface a message requesting the user to select as the command one of a plurality of recording surfaces from which the data is to be read if identification information indicating that the disc has plural recording surfaces of different recording densities is read from the predetermined area, and reading the data of the first or second recording density according to the selection of the user input to the user interface; and]

[an RF (radio frequency) module proving the read data from the optical pickup to the controller.]